

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1931-01  
Bill No.: HB 775  
Subject: Education, Elementary and Secondary; Elementary and Secondary Education  
Department; Teachers  
Type: Original  
Date: March 23, 2001

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**FISCAL SUMMARY**

| ESTIMATED NET EFFECT ON STATE FUNDS                                 |            |            |            |
|---|------------|------------|------------|
| FUND AFFECTED   | FY 2002    | FY 2003    | FY 2004    |
|   |            |            |            |
|   |            |            |            |
| <b>Total Estimated<br/>Net Effect on <u>All</u><br/>State Funds</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |

| ESTIMATED NET EFFECT ON FEDERAL FUNDS                                 |            |            |            |
|---|------------|------------|------------|
| FUND AFFECTED   | FY 2002    | FY 2003    | FY 2004    |
|   |            |            |            |
|   |            |            |            |
| <b>Total Estimated<br/>Net Effect on <u>All</u><br/>Federal Funds</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |

| ESTIMATED NET EFFECT ON LOCAL FUNDS |            |            |            |
|-------------------------------------|------------|------------|------------|
| FUND AFFECTED                       | FY 2002    | FY 2003    | FY 2004    |
| <b>Local Government</b>             | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 3 pages.

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Department of Elementary and Secondary Education (DESE)** assume the proposal would result in no fiscal impact to the agency. DESE officials assume school districts could incur costs associated with developing and distributing the student publication; however, the total statewide impact would be expected to be less than \$100,000 for all school districts. Therefore, the **Oversight Division** assumes the average cost per school district would be less than \$200, and the schools could accomplish the provisions of the proposal with existing resources.

Officials from the **Office of State Courts Administrator** indicate there would be no fiscal impact on the Courts.

This bill defines rights and liabilities surrounding student publications sponsored by public schools. Officials with the **Office of Secretary of State (SOS)** assume the Department of Secondary and Elementary Education (DESE) will promulgate rules to implement this bill. Based on experience with other divisions, the rules, regulations and forms issued by DESE could require as many as approximately 12 pages in the Code of State Regulations. For any given rule, roughly half again as many pages are published in the Missouri Register as in the Code because cost statements, fiscal notes and the like are not repeated in Code. These costs are estimated. The estimated cost of a page in the Missouri Register is \$23.00. The estimated cost of a page in the Code of State Regulations is \$27.00. The actual costs could be more or less than the numbers given. The impact of this legislation in future years is unknown and depends upon the frequency and length of rules filed, amended, rescinded and withdrawn.

**Oversight** assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process. Any decisions to raise fees to defray costs would likely be made in subsequent fiscal years.

| <u>FISCAL IMPACT - State Government</u> | FY 2002<br>(10 Mo.) | FY 2003 | FY 2004 |
|---|---------------------|---------|---------|
|   | \$0                 | \$0     | \$0     |

FISCAL IMPACT - Local Government

FY 2002  
(10 Mo.)

FY 2003

FY 2004

\$0

\$0

\$0

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

This bill grants high school students freedom of speech and of the press in their official student publications. News and commentary that is not obscene, defamatory, an invasion of privacy, or likely to create a danger of unlawful action will not be subject to prior restraint by school officials. School districts are required to adopt a written student publication code which must establish reasonable procedures to allow free expression.

No school district, employee, or official will be held liable for a defamatory statement in an official student publication unless a school official interfered with the substantive content of the student speech or the school district failed to establish an adequate student publication code. School districts that are sued over student publications may assert a sovereign immunity defense.

The bill spells out the responsibilities and rights of faculty advisors and the responsibilities of student editors of official publications.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Elementary and Secondary Education  
Office of State Courts Administrator  
Office of Secretary of State



Jeanne Jarrett, CPA  
Director

March 23, 2001